

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KEITH LAMAR,

Petitioner,

-vs-

TODD ISHEE, Warden,

Respondent.

:

Case No. 1:04-cv-541

:

District Judge Thomas M. Rose
Chief Magistrate Judge Michael R. Merz

:

DECISION AND ORDER GRANTING PETITIONER'S MOTION TO COMPEL

This case is before the Court on Petitioner's Motion to Compel and Supplement thereto (Doc. Nos. 107, 109). Petitioner's Motion persuades the Court that there are or may be additional witness statements (whether in the form of a traditional signed witness statement or otherwise) which the Court previously ordered produced and which have not yet been produced or may not yet have been produced.

Accordingly, it is hereby ORDERED that not later than July 10, 2006, Respondent shall produce to Petitioner's counsel any additional statements of the inmates listed in Doc. No. 109 which have not already been produced. To the extent those statements are not produced in paper form, Respondent's counsel shall ensure that the form in which they are produced is machine-readable with either Corel® Word Perfect or Microsoft® Word software. Counsel for Respondent shall also certify to the Court that all inmate statements ordered produced by the Court, either in this Order or heretofore, have in fact been produced in paper or machine-readable format.

Should this additional production, if any, result in a need by Petitioner for additional discovery, the Court will entertain a request for such discovery after the production, but no later than August 1, 2006.

June 28, 2006.

s/ Michael R. Merz
Chief United States Magistrate Judge